



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5614

Introduced 2/15/2012, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

750 ILCS 5/513

from Ch. 40, par. 513

Amends the Illinois Marriage and Dissolution of Marriage Act. Provides that, if the child resides with a parent while attending college or an educational institution providing professional or vocational training, educational expenses include various expenses during periods of recess. Provides that, in the case of any award ordered by a court relative to postsecondary college, professional, or vocational training, the total amount awarded for undergraduate college education expenses may not exceed costs of attending a State university and expenses awarded for professional or vocational training programs may not exceed the cost of attending an institution in the State that provides comparable professional or vocational training sought by the child, the child must timely apply to all schools reasonably requested by both parents, the child must apply for loans, grants, or any other form of financial assistance for which the child is potentially eligible or qualified, and the duration of awards for educational expenses shall not exceed 4 years, or such lesser period established by a professional or vocational school for completion of the program in which the child has enrolled. Provides that in no event shall any third-party beneficiary rights arise with respect to awards for support or educational expenses.

LRB097 19308 AJO 64557 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 513 as follows:

6 (750 ILCS 5/513) (from Ch. 40, par. 513)

7 Sec. 513. Support for Non-minor Children and Educational
8 Expenses.

9 (a) The court may award sums of money out of the property
10 and income of either or both parties or the estate of a
11 deceased parent, as equity may require, for the support of the
12 child or children of the parties who have attained majority in
13 the following instances:

14 (1) When the child is mentally or physically disabled
15 and not otherwise emancipated, an application for support
16 may be made before or after the child has attained
17 majority.

18 (2) The court may also make provision for the
19 educational expenses of the child or children of the
20 parties, whether of minor or majority age, and an
21 application for educational expenses may be made before or
22 after the child has attained majority, or after the death
23 of either parent. The authority under this Section to make

1 provision for educational expenses extends not only to
2 periods of college education or professional or other
3 training after graduation from high school, but also to any
4 period during which the child of the parties is still
5 attending high school, even though he or she attained the
6 age of 19. The educational expenses may include, but shall
7 not be limited to, room, board, dues, tuition,
8 transportation, books, fees, registration and application
9 costs, medical expenses including medical insurance,
10 dental expenses, and living expenses during the school year
11 and, if the child resides with a parent while attending
12 college or an educational institution providing
13 professional or vocational training, during periods of
14 recess, which sums may be ordered payable to the child, to
15 either parent, or to the educational institution, directly
16 or through a special account or trust created for that
17 purpose, as the court sees fit.

18 If educational expenses are ordered payable, each
19 parent and the child shall sign any consents necessary for
20 the educational institution to provide the supporting
21 parent with access to the child's academic transcripts,
22 records, and grade reports. The consents shall not apply to
23 any non-academic records. Failure to execute the required
24 consent may be a basis for a modification or termination of
25 any order entered under this Section. Unless the court
26 specifically finds that the child's safety would be

1 jeopardized, each parent is entitled to know the name of
2 the educational institution the child attends. This
3 amendatory Act of the 95th General Assembly applies to all
4 orders entered under this paragraph (2) on or after the
5 effective date of this amendatory Act of the 95th General
6 Assembly.

7 The authority under this Section to make provision for
8 educational expenses, except where the child is mentally or
9 physically disabled and not otherwise emancipated,
10 terminates when the child receives a baccalaureate degree.

11 (b) In making awards under paragraph (1) or (2) of
12 subsection (a), or pursuant to a petition or motion to
13 decrease, modify, or terminate any such award, the court shall
14 consider all relevant factors that appear reasonable and
15 necessary, including:

16 (1) The financial resources of both parents.

17 (2) The standard of living the child would have enjoyed
18 had the marriage not been dissolved.

19 (3) The financial resources of the child.

20 (4) The child's academic performance.

21 (c) The following provisions apply to any award ordered by
22 a court under paragraph (2) of subsection (a) of this Section
23 relative to postsecondary college, professional, or vocational
24 training:

25 (1) the total amount awarded for undergraduate college
26 education expenses may not exceed costs of attending a

1 State university according to the budget in effect when the
2 matter comes before the court; expenses awarded for
3 professional or vocational training programs may not
4 exceed the cost of attending an institution in the State
5 that provides comparable professional or vocational
6 training sought by the child;

7 (2) the child must timely apply to all schools
8 reasonably requested by both parents;

9 (3) the child must apply for loans, grants, or any
10 other form of financial assistance for which the child is
11 potentially eligible or qualified; and

12 (4) absent a compelling reason, and the agreement of
13 both parents, the duration of awards for educational
14 expenses shall not exceed 4 years or such lesser period
15 established by a professional or vocational school for
16 completion of the program in which the child has enrolled.

17 (d) In no event shall any third-party beneficiary rights
18 arise with respect to awards for support or educational
19 expenses pursuant to the provisions of this Section.

20 (Source: P.A. 95-954, eff. 8-29-08.)